

(Regulations of the Fair Political Practices Commission Title 2, Division 6, California Code of Regulations.)

§ 18521.5. Ballot Measure Committees Controlled by Candidates for Elective State Office.

Except as otherwise provided for recall committees under Section 85315 and Regulation 18531.5, a candidate for elective state office may control a committee under Section 82013(a) to support or oppose the qualification or passage of a measure, only as provided in this regulation.

(a) Committee Name

(1) If the committee is a general purpose ballot measure committee, the committee name shall include the name of the controlling candidate pursuant to Regulation 18402(c)(1), and expressly indicate it is a ballot measure committee.

(2) If the committee is a primarily formed ballot measure committee, the committee name shall include, in addition to the information set forth in subdivision (a)(1), the information required in Section 84107, and in Section 84504 and Regulation 18450.3.

(b) Statement of Organization.

(1) The committee shall identify on its Statement of Organization each measure on which the committee has spent, or anticipates spending, \$50,000 or more in the current two year period, beginning with January 1 of an odd-numbered year and ending with December 31 of the following even-numbered year.

(2) If an official ballot designation has not been assigned to a measure or potential measure that must be identified pursuant to subdivision (b)(1), the Statement of Organization shall describe the purpose of the anticipated measure or measures. The committee shall amend its Statement of organization pursuant to Section 84103 to correctly identify the measure or measures after an official ballot designation has been assigned.

(c) Application of Section 85310. If the committee makes a communication described in Section 85310(a) that "clearly identifies" a candidate for elective state office, as defined in Regulation 18531.10(a)(1), contributions to the committee are subject to the limit prescribed for political party committees in Section 85303(b) if the communication is made at the behest of the clearly identified candidate.

(d) Committee Expenditures

(1) Except as permitted under paragraphs (2) and (3) below, committee funds shall be used only to make expenditures related to a state or local measure or potential measure anticipated by the committee, or to qualification or pre-qualification activities relating to such measures. Such expenditures include, but are not limited to, payment of the committee's reasonable and ordinary operating costs, administrative overhead, fundraising activities, travel, compliance costs, and attorney's fees incurred as a result of the committee's activities.

(2) The committee may at any time return all or part of a contribution to a committee contributor.

(3) A committee that is preparing to terminate its status as a committee may, at any time within 60 days prior to the effective date of its termination, disburse some or all of its leftover funds pursuant to subdivision (b)(3) of Section 89519.

(e) In addition to any other reporting and recordkeeping requirements, the committee shall also comply with the provisions of Regulations 18401(a)(6) and 18421.8.

(f) No provision of this regulation shall be construed to permit any of the following:

(1) A contribution of committee funds to a controlled committee of a candidate for elective office that is not operated as a candidate controlled ballot measure committee pursuant to this section.

(2) A payment of committee funds in violation of the restrictions on use of campaign funds by candidate controlled campaign committees described in Sections 89511 through 89518.

(3) A use of committee funds in violation of Elections Code Section 18680.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82013, 82016, 82027.5, 82047.5, 84102, 84103, 84107, 84504, 85301, 85302, 85303 and 85310, Government Code; and Section 18680, Elections Code.

HISTORY

1. New section filed 1-30-2009; operative 3-1-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2009, No. 5).